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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/629,589      | 07/31/2000  | Ashvin Bonafede Chhabra | JPM-002             | 4299             |

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06/27/2002

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EXAMINER

PWU, JEFFREY C

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/629,589

Applicant(s)

CHHABRA ET AL.

Examiner

Jeffrey Pwu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4. 6) ☐ Other: \_\_\_\_

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### **DETAILED ACTION**

1. This action is responsive to the application, filed 2000-31-07
2. The disposition of claims is: claims 1-16 are pending as filed. Claims 1, 10, 11 and 16 are independent.
3. The group art unit of the Examiner handling your case has changed. The new art unit is 3624. Please use current art unit on all correspondence to help us route your case in a timely fashion.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by *Eder* (U.S. 6,321,205).

*Eder* teaches:

1) A method, with the aid of a digital computer, of determining the probability a user (20) will achieve at least one financial goal expressed as one or more cash outflows over a first plurality of periods, comprising:

(a) identifying a set of assets for said user, said assets associated with a market value (abstract; 20; col.5, lines 2-37);

(b) establishing a criterion for success (col.1, line 18-col.4, line 67);

(c) simulating a plurality of market scenarios on said assets, each said scenario adjusting said market value of said assets for each said period (col.7, line 65-col.17, line 16);

(d) applying said cash outflows for each period for each said plurality of market scenarios (col.13, lines 34-col.14, line 24); and

(e) checking for a second plurality of periods, for each said scenario, whether said market value satisfies said criterion for success (col.13, lines 34-col.37, line 20).

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2) The method of claim 1, further comprising: calculating the probability said user will achieve said at least one financial goal, said calculated probability being a function of the number of said plurality of simulated market scenarios that satisfy said criterion for success (claims 1-16).

3) The method of claim 2 wherein said probability is a function of the number of scenarios which satisfy said criterion for success for said second plurality of periods (col.13, lines 34-col.37, line 20).

4) The method of claim 3 wherein said second plurality of periods comprise each of said first plurality of periods (col.13, lines 34-col.37, line 20).

5) The method of claim 3 wherein said second plurality of periods comprise a predetermined number of periods of said first plurality of periods, whereby periods which do not satisfy said success criterion more than said predetermined number of periods before a final period do not decrease said calculated probability (col.13, lines 34-col.37, line 20).

6) The method of claim 3 wherein said calculated probability comprises a decaying function (col.13, lines 34-col.37, line 20).

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7) The method of claim 6 wherein said calculated probability comprises a decaying function based on a predetermined set of periods (col.13, lines 34-col.37, line 20).

8) The method of claim 1 further comprising: computing an expected distribution of wealth based on said plurality of scenarios (col.13, lines 34-col.37, line 20).

9) The method of claim 1 further comprising: categorizing said assets by asset type, said categorization creating a plurality of asset groups, said simulation of market scenarios being applied on an asset group basis, whereby all assets within a group are treated identically (col.13, lines 34-col.37, line 20).

10) A method, with the aid of a digital computer, of determining the probability that a plurality of financial goals will be met based on a set of probabilistic return assumptions, comprising:

(a) receiving said plurality of financial goals on said computer (abstract; fig.1);

(b) converting said plurality of financial goals into cash flows (abstract; fig.1);

(c) receiving, on said computer, a set of financial assets for said client (abstract; fig.1);

(d) applying said probabilistic return assumptions to said financial assets on a periodic basis (col.13, lines 34-col.37, line 20); and

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(e) determining the statistical probability that said cash flows will be satisfied on a periodic basis (claim 1-16 and col.13, lines 34-col.37, line 20).

11) A method, with the aid of a digital computer, of determining the probability that a financial goal expressed as a cash outflow will be met, comprising:

(a) identifying a set of assets, said assets associated with a market value (abstract; figs.1-12);

(b) establishing a criterion for success, said criterion for success associated with a plurality of periods (col.13, lines 34-col.37, line 20);

(c) simulating a plurality of market scenarios on said assets, each said scenario adjusting said asset market value of said assets for each said period (col.13, lines 34-col.37, line 20);

(d) applying said criteria for success to each said scenario (col.13, lines 34-col.37, line 20); and

(e) calculating the probability said criteria for success will be satisfied (claims 1-16).

12) The method of claim 11, wherein said criterion for success is an absolute criterion (col.13, lines 34-col.37, line 20).

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13) The method of claim 11, wherein said criterion for success is a relative criterion (col.13, lines 34-col.37, line 20).

14) The method of claim 12, wherein said criterion for success has a memory (col.13, lines 34-col.37, line 20).

15) The method of claim 12, wherein said criterion for success has a decaying memory (col.13, lines 34-col.37, line 20).

16) A computer system for determining the probability that a financial goal expressed as a cash outflow will be met, comprising:

(a) a database (50) including:

(I) a set of assets associated with a user, said assets associated with a market value (fig.1); and

(ii) a criterion for success associated with said user, said criterion for success associated with a plurality of periods (col.13, lines 34-col.37, line 20); and

(b) a programmed processor (120, 130) configured to:

(I) simulate a plurality of market scenarios on said assets, each said scenario adjusting said market value of said assets for each said period (col.13, lines 34-col.37, line 20);



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(ii) apply said criteria for success to each said scenario (col.13, lines 34-col.37, line 20); and

(iii) calculate the probability said user will satisfy said associated criteria for success (claims 1-16).

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835.

Jeffrey Pwu

A handwritten signature in black ink, appearing to read 'Jeffrey Pwu', written in a cursive style.

23 June 2002